



February 20, 2007

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## SENATE BILL No. 238

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DIGEST OF SB 238 (Updated February 19, 2007 12:26 pm - DI 113)

**Citations Affected:** IC 24-4.

**Synopsis:** Adult rated video games. Prohibits the sale or rental of certain video games to children. Provides affirmative defenses.

**Effective:** July 1, 2007.

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### Ford, Simpson

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January 11, 2007, read first time and referred to Committee on Corrections, Criminal, and Civil Matters.

February 8, 2007, pursuant to Senate Rule 65(b), reassigned to Committee on Economic Development and Technology.

February 19, 2007, reported favorably — Do Pass.

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SB 238—LS 7416/DI 107+



February 20, 2007

First Regular Session 115th General Assembly (2007)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2006 Regular Session of the General Assembly.

## SENATE BILL No. 238

A BILL FOR AN ACT to amend the Indiana Code concerning trade regulation.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 24-4-15 IS ADDED TO THE INDIANA CODE AS  
2 A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY  
3 1, 2007]:

4 **Chapter 15. Violent and Sexually Explicit Video Games**

5 **Sec. 1. As used in this chapter, "sales clerk" means a person**  
6 **who:**

7 (1) **transacts a sale or rental of a video game with the general**  
8 **public; and**

9 (2) **is not the owner, operator, or manager of a video game**  
10 **retailer.**

11 **Sec. 2 As used in this chapter, "video game" means an object or**  
12 **a device that:**

13 (1) **stores recorded data or instructions;**

14 (2) **receives data or instructions generated by a person; and**

15 (3) **processes the data or instructions;**

16 **to create an interactive game that may be played, viewed, or**  
17 **experienced on a computer, a gaming system, a console, or other**

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SB 238—LS 7416/DI 107+



technology.

Sec. 3. As used in this chapter, "video game retailer" means a person who sells or rents a video game to the general public. The term does not include a sales clerk.

Sec. 4. A video game retailer who sells, rents, or permits another person to sell or rent a video game that is prepackaged and rated:

(1) M by the Entertainment Software Ratings Board to an individual less than seventeen (17) years of age; or

(2) AO by the Entertainment Software Ratings Board to an individual less than eighteen (18) years of age;

commits a Class B infraction.

Sec. 5. A sales clerk who knowingly or intentionally sells or rents a video game that is prepackaged and rated:

(1) M; or

(2) AO;

by the Entertainment Software Ratings Board to an individual less than eighteen (18) years of age, knowing that the individual is less than eighteen (18) years of age, commits a Class B infraction.

Sec. 6. It is an affirmative defense to an action brought under section 4 or 5 of this chapter that:

(1) the person who sells, rents, or causes another person to sell or rent a violent or sexually explicit video game to an individual in violation of section 4 or 5 of this chapter is:

(A) a parent;

(B) a grandparent; or

(C) a legal guardian;

of the individual; or

(2) the child who purchases or rents the violent or sexually explicit video game offers a false identification card purporting to show that the individual was the appropriate age to purchase or rent the video game, as set forth in section 4 or 5 of this chapter, if the false identification card could reasonably be mistaken for a valid identification card.

Sec. 7. It is an affirmative defense to an action brought against a video game retailer under section 4 of this chapter based on a sale or rental transacted by a sales clerk if:

(1) the sales clerk sells or rents a video game to an individual less than eighteen (18) years of age in violation of section 5 of this chapter; and

(2) the video game retailer was unaware of the age of the individual described in subdivision (1) at the time of the sale or rental.

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Report of the President  
Pro Tempore

Madam President: Pursuant to Senate Rule 65(b), I hereby report that Senate Bill 238, currently assigned to the Committee on Corrections, Criminal, and Civil Matters, be reassigned to the Committee on Economic Development and Technology.

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COMMITTEE REPORT

Madam President: The Senate Committee on Economic Development and Technology, to which was referred Senate Bill No. 238, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is made to Senate Bill 238 as introduced.)

FORD, Chairperson

Committee Vote: Yeas 5, Nays 2.

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**Y**

